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**VIRGINIA
COMPREHENSIVE
ANIMAL LAWS**

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TITLE 3.1. AGRICULTURE, HORTICULTURE AND FOOD
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VIRGINIA COMPREHENSIVE ANIMAL LAWS

CHAPTER 27.4. COMPREHENSIVE ANIMAL LAWS.

Article 1. General Provisions.

§3.1-796.66. Definitions.

The following words as used in this chapter shall have the following meanings:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in §3.1-796.68 for a period of five consecutive days.

"Adequate care" or *"care"* means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or *"exercise"* means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

§3.1-796.66. Definitions. (continued)

"*Adoption*" means the transfer of ownership of a dog or cat from a releasing agency to an individual.

"*Agricultural animals*" means all livestock and poultry.

"*Ambient temperature*" means the temperature surrounding the animal.

"*Animal*" means any nonhuman vertebrate species except fish. For the purposes of §3.1-796.98, animal means any species susceptible to rabies. For the purposes of §3.1-796.122, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

"*Animal control officer*" means a person appointed as an animal control officer or deputy animal control officer as provided in §3.1-796.104.

"*Animal shelter*" means a facility that is used to house or contain animals and that is owned, operated, or maintained by a nongovernmental entity including, but not limited to, a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of providing animals with sanctuary or for finding permanent adoptive homes for animals.

"*Board*" means the Board of Agriculture and Consumer Services.

"*Boarding establishment*" means a place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

"*Collar*" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

"*Companion animal*" means any domestic or feral dog, domestic or feral cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

"*Companion animal rescue agency*" means any person or organization that accepts more than six companion animals, or three companion animals and three unweaned litters of companion animal during a calendar year for the purpose of providing sanctuary or finding permanent adoptive homes for companion animals and that does not maintain an animal shelter for keeping animals, but rather houses that animals in a residential dwelling or uses a system of housing animals in foster homes or boarding establishments.

"*Consumer*" means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

"*Dealer*" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barbers companion animals. Any person who transports companion animals in the regular course of business as a common carrier shall not be considered a dealer.

"*Direct and immediate threat*" means any clear and imminent danger to an animal's health, safety or life.

"*Dump*" means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

§3.1-796.66. Definitions. (continued)

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Exhibitor" means any person who has animals for or on public display, excluding an exhibitor licensed by the United States Department of Agriculture.

"Foster home" means a residential site at which, through registration with a companion animal rescue agency or animal shelter or pound, animal care or rehabilitation is provided.

"Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

"Housing facility" means any room, building, or area used to contain a primary enclosure or enclosures.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in §3.1-796.106.

"Humane society" means any chartered, nonprofit organization incorporated under the laws of this Commonwealth and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.

"Kenne" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus *Lama*; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.1-73.6; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"Local ordinance" means any law, rule, regulation, or ordinance promulgated by the governing body of any county, city, or town.

"Locality" or *"local government"* means a county, city, or town, as the context may require.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision 2 of subsection B of §3.1-796.126:1, and who adopts or receives a dog or cat from a releasing agency.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any municipality, county, or incorporated town thereof, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

§3.1-796.66. Definitions. (continued)

"Owner" means any person who: (i) has a right of property in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his care, or (iv) acts as a custodian of an animal.

"Person" means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

"Pet shop" means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Pound" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Properly cleaned" means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the housing facility, and observation of the animal; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities; and to promote the well-being of the animals.

"Releasing agency" means a pound, animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, companion animal rescue agency, or other similar entity that releases a dog or cat for adoption pursuant to Article 6.1 (§3.1-796.126:1 et seq.) of this chapter.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"Sore" means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. Part 11.2.

"State Veterinarian" means the veterinarian employed by the Commissioner of Agriculture and Consumer Services as provided in §3.1-723.

§3.1-796.66. Definitions. (continued)

"State Veterinarian's representative" means an employee of the Department of Agriculture and Consumer Services who is under the direction of the State Veterinarian.

"Sterilize or sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Treasurer" includes the treasurer and his assistants of each county or city or other officer designated by law to collect taxes in such county or city.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species, and has ingested such food, without nursing, for a period of at least five days.

§3.1-796.67. Rules, regulations, and guidelines

The Board may promulgate rules and regulations or guidelines consistent with the objectives and intent of this chapter concerning the care and transportation of animals.

§3.1-796.67:1. Authority of the Commissioner.

The Commissioner of Agriculture and Consumer Services shall have the power to enter into agreements with local, state and federal agencies or other persons for the control of coyotes which pose a danger to agricultural animals.

§3.1-796.67:2. Animal shelters; power to inspect.

The State Veterinarian and each State Veterinarian's representative shall have the power to conduct inspections of animal shelters, and companion animal rescue agencies; and inspect any business premises where animals are housed or kept, including any boarding establishment, kennel, pet shop, pound, or the business premises of any dealer, exhibitor or groomer, at any reasonable time, for the purposes of determining if a violation of (i) this chapter, (ii) any other state law governing the care, control or protection of animals; or (iii) any other state law governing property rights in animals has occurred.

The State Veterinarian shall have the authority to conduct inspections of foster homes for the same purposes only with proper cause or specific request from a pound, animal shelter, companion animal rescue agency, animal control officer, humane investigator, or any other law enforcement officer, which shall include, but not be limited to, a violation of the provisions of this chapter.

Article 2. Animal Welfare.

§3.1-796.68. Care of animals by owner; penalty.

- A. Each owner shall provide for each of his companion animals:
1. Adequate feed;
 2. Adequate water;
 3. Adequate shelter that is properly cleaned;
 4. Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;
 5. Adequate exercise;
 6. Adequate care, treatment, and transportation; and
 7. Veterinary care when needed or to prevent suffering or disease transmission.

§3.1-796.68. Care of animals by owner; penalty. (continued)

The provisions of this section shall also apply to every animal shelter, pound, companion animal rescue agency, foster home, dealer, pet shop, exhibitor, kennel, groomer and boarding establishment. This section shall not require that animals used as

food for other animals be euthanized. For the purposes of this section and §3.1-796.83:1, "groomer" means a person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites an animal.

- B. Game and wildlife species shall be cared for in accordance with regulations promulgated by the Board of Game and Inland Fisheries by January 1, 1994.
- C. Violation of this section is a Class 4 misdemeanor.

§3.1-796.69. Transporting animals; requirements; penalty.

No owner, railroad or other common carrier when transporting any animal shall allow that animal to be confined in any type of conveyance more than twenty-four consecutive hours without being exercised, properly rested, fed and watered as necessary for that particular type and species of animal. A reasonable extension of this time shall be permitted when an accident, storm or other act of God causes a delay. Adequate space in the primary enclosure within any type of conveyance shall be provided each animal depending upon the particular type and species of animal. No person shall import into the Commonwealth, nor export from the Commonwealth, for the purpose of sale or offering for sale any dog or cat under the age of eight weeks without its dam. Violation of this section shall be punishable as a Class 1 misdemeanor.

§3.1-796.70. Sale, etc., of unweaned or certain immature animals prohibited; penalty.

- A. No person shall sell, raffle, or offer for sale as pets or novelties, or offer or give as a prize, premium, or advertising device any living chicks, ducklings, or other fowl under two months old in quantities of less than six or any unweaned mammalian companion animal or any dog under the age of seven weeks without its dam, or any cat under the age of seven weeks without its queen. Dealers may offer immature fowl, unweaned mammalian companion animals, dogs or cats under the age of seven weeks for sale as pets or novelties with the requirement that prospective owners take possession of the animals only after fowl have reached two months of age, mammalian companion animals have been weaned, and dogs and cats are at least seven weeks of age. Nothing in this section shall prohibit the sale of an unweaned animal (i) as food for other animals or (ii) with the lactating dam or queen or a lactating surrogate dam or queen that has accepted the animal.
- B. Dealers shall provide all dogs and cats with current vaccinations against contagious and infectious diseases, as recommended in writing and considered appropriate for the animal's age and breed by a licensed veterinarian, or pursuant to written recommendations provided by the manufacturer of such vaccines at least five days before any new owner takes possession of the animal. For dogs, the vaccinations required by this subsection shall include at a minimum canine distemper, adenovirus type II parainfluenza, and parvovirus. For cats, the vaccinations required by this subsection shall include at a minimum rhinotracheitis, calicivirus, and panleukopenia. Dealers shall provide the new owner with the dog's or cat's immunization history.
- C. Violation of this section is a Class 3 misdemeanor.

§3.1-796.71. Failure of dealer or pet shop to provide adequate care, etc.; penalty.

Any dealer or pet shop that fails to adequately house, feed, water, exercise or care for animals in his or its possession or custody as provided for under this chapter shall be guilty of a Class 3 misdemeanor. Such animals shall be subject to seizure and impoundment, and upon conviction of such person the animals may be sold, euthanized, or disposed of as provided by §3.1-796.96 licensed, tagged, or tattooed animals. Such failure shall also constitute grounds for revocation of a permit or certificate of registration after public hearing. Any funds that result from such sale shall be used first to pay the costs of the local jurisdiction for the impoundment and disposition of the animals, and any funds remaining shall be paid to the owner, if known. If the owner is not found, the remaining funds shall be paid into the Literary Fund.

§3.1-796.72. Misrepresentation of animal's condition; penalties.

No person shall misrepresent the physical condition of any animal at the animal's sale, trade, delivery, or other method of transfer. For the purpose of this section misrepresentation shall include selling, trading, delivering or otherwise transferring an animal to another person with the knowledge that the animal has an infection, communicable disease, parasitic infestation, abnormality or other physical defect that is not made known to the person receiving the animal. However, sale of an agricultural animal that has external or internal parasites that are not made known to the person receiving the animal shall not be a violation of this section unless the animal is clinically ill or debilitated due to such parasites at the time of sale, trade, delivery or transfer of the animal. Violation of this section shall be punishable as a Class 3 misdemeanor.

§3.1-796.73. Abandonment of animal; penalty.

No person shall abandon or dump any animal. Violation of this section is a Class 3 misdemeanor. Nothing in this section shall be construed to prohibit the release of an animal by its owner to an animal shelter, pound, humane society, or companion animal rescue agency.

§3.1-796.74. Exceptions regarding veterinarians.

Sections 3.1-796.68 through 3.1-796.73, 3.1-796.78 through 3.1-796.83:2, 3.1-796.105 through 3.1-796.108, 3.1-796.120, and 3.1-796.126:1 through 3.1-796.126:7 shall not apply to: (i) a place or establishment which is operated under the immediate supervision of a duly licensed veterinarian as a hospital or boarding establishment where animals are harbored, boarded and cared for incident to the treatment, prevention, or alleviation of disease processes during the routine practice of the profession of veterinary medicine, or (ii) animals boarded under the immediate supervision of a duly licensed veterinarian.

§3.1-796.75. Procedure for animals left unclaimed with veterinarian or boarding establishment after public notice; lien; sale.

Any animal not claimed by its owner from a licensed veterinarian or boarding establishment within fourteen days after a letter of notice has been sent to the owner, by the veterinarian or boarding establishment, may be sold by the veterinarian or boarding establishment. The animal may be sold at public or private sale for fair compensation to a person capable of providing care consistent with this chapter. Any expense incurred by the veterinarian or boarding establishment becomes a lien on the animal and the proceeds of the sale shall first discharge this lien. Any balance of the proceeds shall be paid to the owner. If the owner cannot be found within the next ensuing thirty days, the balance shall be paid to the state treasury. If no purchaser is found, the animal may be offered for adoption or euthanized.

§3.1-796.76. Injured or sick animal; action by veterinarian.

If a licensed veterinarian is called or by his own action comes upon an animal that is sick or injured and the owner of such animal cannot be immediately located, then the licensed veterinarian, in his professional judgment, may treat, hospitalize or euthanize the animal without the permission of the owner. The veterinarian shall make such reports and keep such records of such sick or injured animals as may be prescribed by the Board of Veterinary Medicine, including the information required under subsection B of §3.1-796.105.

In no event shall a licensed veterinarian who has acted in good faith and properly exercised professional judgment regarding an animal be subject to liability for his actions in (i) acting in accordance with subsection A or (ii) reporting cases of suspected cruelty to animals.

§3.1-796.77. Disposal of animals by means of decompression chamber prohibited.

No animal shall be euthanized pursuant to the provisions of this chapter by means of a high altitude decompression chamber.

Article 3. Sale of Dogs and Cats by Dealers.

§3.1-796.78. Transporting animals; requirements; penalty.

It shall be a violation of the Virginia Consumer Protection Act (§59.1-196 et seq.) for any pet dealer to sell a dog or cat within the Commonwealth stating, promising or representing that the animal is registered or capable of being registered with any animal pedigree registry organization, without providing the consumer with a pet dealer's animal history certificate at the time the consumer takes possession of the dog or cat. The pet dealer's animal history certificate shall be signed by the pet dealer, his agent or employee, and shall contain the following information:

1. The animal's breed, sex, age, color, and birth date;
2. The name and address of the person from whom the pet dealer purchased the animal;
3. The breeder's name and address;
4. The name and registration number of the animal's sire and dam;
5. If the animal has been so examined, the date on which the animal has been examined by a licensed veterinarian, the name and address of such veterinarian, and a brief statement of any findings made; and
6. A statement of all vaccinations administered to the animal, including the identity and quantity of the vaccine, and the name and address of the person or licensed veterinarian administering or supervising the vaccinations.

§3.1-796.78. Transporting animals; requirements; penalty.(continued)

The information contained in the pet dealer's animal history certificate required herein shall be informative only, and the pet dealer shall not be responsible in any manner for the accuracy of such information unless he knows or has reason to know that such information is erroneous.

A copy of the pet dealer's animal history certificate signed by the consumer shall be maintained by the pet dealer for a period of one year following the date of sale.

§3.1-796.79. Inclusion of false or misleading statements in certificate violation of Consumer Protection Act.

It shall be a violation of the Virginia Consumer Protection Act (§59.1-196 et seq.) for a pet dealer to include in the pet dealer's animal history certificate provided for in §3.1-796.78 any false or misleading statement regarding the information to be contained therein.

§3.1-796.80. Consumer remedies for receipt of diseased animal upon certification by veterinarian.

If, at any time within ten days following receipt of an animal described as being registered or capable of being registered with any animal pedigree organization and subject to this chapter, a licensed veterinarian certifies such animal to be unfit for purchase due to illness, a congenital defect deleterious to the health of the animal or the presence of symptoms of a contagious or infectious disease, the pet dealer shall afford the consumer the right to choose one of the following options:

1. The right to return the animal and receive a refund of the purchase price including sales tax; or
2. The right to return the animal and to receive an exchange animal of equivalent value from the dealer, subject to the choice of the consumer.

The refund or reimbursement required by this section shall be made by the pet dealer not later than ten business days following receipt of a signed veterinary certification as hereinafter provided.

§3.1-796.81. Written notice of consumer remedies required to be supplied by pet dealers.

A pet dealer shall give the notice hereinafter set forth in writing to a consumer prior to the delivery of a dog or cat. Such notice shall be embodied in either a written contract, the pet dealer's animal history certificate or a separate document and shall state in ten point bold face type the following:

NOTICE

The sale of certain dogs and cats described as being registered or capable of being registered with any animal pedigree organization is subject to the provisions of the Virginia Consumer Protection Act (§59.1-196 et seq.). In the event that a licensed veterinarian certifies your animal to be unfit for purchase within ten days following receipt of your animal, you may choose: (i) to return your animal and receive a refund of the purchase price, or (ii) to return the animal and receive an exchange animal of your choice of equivalent value.

In order to exercise these rights you must present a written veterinary certification that the animal is unfit to the pet dealer within three business days after receiving such certification. If the pet dealer has promised to register your animal or to provide the papers necessary therefor and fails to do so within 120 days following the date of contract, you are entitled to return the animal and receive a refund of the purchase price or to retain the animal and receive a refund of an amount not to exceed fifty percent of the purchase price.

§3.1-796.82. Failure of pet dealer to effect registration after promise; violation of Consumer Protection Act; remedies; veterinary certification; finding of intestinal parasites; illness subsequent to sale.

It shall be a violation of the Virginia Consumer Protection Act (§59.1-196 et seq.) for a pet dealer to state, promise, or represent that a dog or cat is registered or capable of being registered with any animal pedigree registry organization if the pet dealer shall then fail to either effect such registration or provide the consumer with the documents necessary therefore within 120 days following the date of sale of such animal. In the event that a pet dealer fails to effect registration or to provide the necessary

§3.1-796.82. Failure of pet dealer to effect registration after promise; violation of Consumer Protection Act; remedies; veterinary certification; finding of intestinal parasites; illness subsequent to sale. (continued)

documents therefore within 120 days following the date of sale, the consumer shall be entitled to choose one of the following options:

1. To return the animal and to receive a refund of the purchase price plus sales tax; or
 2. To retain the animal and to receive a refund of an amount not to exceed fifty percent of the purchase price and sales tax.
- B. The veterinary certification and statement required herein shall be presented to the pet dealer not later than three business days following receipt thereof by the consumer and shall contain the following information:
1. The name of the owner;
 2. The date or dates of the examination;
 3. The breed, color, sex, and age of the animal;
 4. A description of the veterinarian's findings;
 5. A statement that the veterinarian certifies the animal to be unfit for purchase; and
 6. The name and address of the certifying veterinarian and the date of the certification.
- C. A veterinary finding of intestinal parasites shall not be grounds for declaring the animal unfit for purchase unless the animal is clinically ill due to such condition. An animal may not be found unfit for purchase on account of an injury sustained or illness contracted subsequent to the consumer taking possession thereof.

§3.1-796.83. Remedies cumulative.

The remedies provided for pursuant to this article are cumulative and not exclusive and shall be in addition to any other remedy provided for by law.

Article 3.1. Boarding Establishments.

§3.1-796.83:1. Boarding establishments; veterinary care requirements; consumer notification; penalty.

- A. When an animal is boarded at a boarding establishment, or under the care, custody or subject to the actions of a groomer, the boarding establishment or groomer shall be responsible for providing the animal care requirements for each animal as specified in §3.1-796.68.
- B. If an animal becomes ill or injured while in the custody of the boarding establishment or groomer, the boarding establishment or groomer shall provide the animal with emergency veterinary treatment for the illness or injury. The consumer shall bear the reasonable and necessary costs of emergency veterinary treatment for any illness or injury occurring while the animal is in the custody of the boarding establishment or groomer. The boarding establishment or groomer shall pay for veterinary treatment of any injury that the animal sustains while at the establishment or under the care or custody of a groomer if the injury resulted from the establishment's or groomer's failure, whether accidental or intentional, to provide the care required by §3.1-796.68; however, boarding establishments and groomers shall not be required to bear the cost of veterinary treatment for injuries resulting from the animal's self-mutilation.
- C. If an animal is seized from a boarding establishment or groomer because of the establishment's failure to provide adequate food, water, shelter, exercise, and care as defined in §3.1-796.66 and required by §3.1-796.68 or because of any other violation of this chapter, the animal shall be returned to the rightful owner as soon as possible or, if the owner refuses to reclaim the animal, be impounded and disposition made pursuant to §3.1-796.115.
- D. Violation of this section by a boarding establishment or groomer is a Class 1 misdemeanor.

§3.1-796.83:2. Written notice of consumer remedies required to be supplied by boarding establishments; penalty.

- A. A boarding establishment shall give the notice hereinafter set forth in writing to a consumer prior to the consumer's delivery of the animal to the boarding establishment. Such notice shall be embodied in a written document and shall state in ten-point bold-faced type the following:

NOTICE

The boarding of animals is subject to Article 3.1 (§3.1-796.83:1 et seq.) of Chapter 27.4 of Title 3.1. If your animal becomes ill or injured while in the custody of the boarding establishment, the boarding establishment shall provide the animal with emergency veterinary treatment for the illness or injury.

§3.1-796.83:2. Written notice of consumer remedies required to be supplied by boarding establishments; penalty. (continued)

The consumer shall bear the reasonable and necessary costs of emergency veterinary treatment for any illness or injury occurring while the animal is in the custody of the boarding establishment. The boarding establishment shall bear the expenses of veterinary treatment for any injury the animal sustains while at the boarding establishment if the injury resulted from the establishment's failure, whether accidental or intentional, to provide the care required by §3.1-796.68; however, boarding establishments shall not be required to bear the cost of veterinary treatment for injuries resulting from the animal's self-mutilation.

- B. In addition, the boarding establishment shall display the following notice, in ten-point bold-faced type, on a sign placed in a conspicuous location and manner at the boarding establishment's intake area:

PUBLIC NOTICE

THE BOARDING OF ANIMALS BY A BOARDING ESTABLISHMENT IS SUBJECT TO ARTICLE 3.1 (§3.1-796.83:1 et seq.) OF CHAPTER 27.4 OF TITLE 3.1 OF THE CODE OF VIRGINIA. YOU HAVE SPECIFIC REMEDIES WHEN BOARDING ANIMALS IN THIS OR ANY OTHER BOARDING ESTABLISHMENT IN VIRGINIA. A COPY IS AVAILABLE IMMEDIATELY UPON REQUEST AND IS TO BE PRESENTED TO YOU AT THE TIME OF INTAKE IN THE FORM OF A WRITTEN DOCUMENT. IF YOU HAVE A COMPLAINT, YOU MAY CONTACT YOUR LOCAL LAW-ENFORCEMENT OFFICER OR THE VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, RICHMOND, VIRGINIA.

- C. Failure to display or provide the consumer with the written notice as required by this section is punishable as a Class 3 misdemeanor.

Article 4. Authority of Local Governing Bodies and Licensing of Dogs.

§3.1-796.84. Local ordinances; penalties.

The governing body of any county, city or town may, by local ordinance, require a person operating a pet shop or operating as a dealer in companion animals to obtain a permit. Such local governing body may charge no more than fifty dollars per year for such permit. The revenues derived therefrom shall be used for the administration and enforcement of such ordinance.

The aforementioned local ordinance may provide: (i) that records be kept by the permittees as are deemed necessary; (ii) for public hearing prior to issuance, renewal or revocation of any such permit; or (iii) for the denial of issuance, denial of renewal or for the revocation of such permit for fraudulent practices or inhumane treatment of the animals dealt with by the permittee.

The local ordinance may also provide penalties for violation of the ordinance not to exceed those of a Class 3 misdemeanor.

§3.1-796.85. Unlicensed dogs prohibited; local ordinances for licensing cats.

- A. It shall be unlawful for any person to own a dog four months old or older in this Commonwealth unless such dog is licensed, as required by the provisions of this article.
- B. The governing body of any county, city or town may, by local ordinance, prohibit any person from owning a cat four months or older within such locality unless such cat is licensed as provided by this article.

§3.1-796.86. How to obtain license.

Any person may obtain a dog license or cat license if required by an ordinance adopted pursuant to subsection B of §3.1-796.85, by making oral or written application to the treasurer of the county or city in which such person resides, accompanied by the amount of license tax and current certificate of vaccination as required by this article. The treasurer or other officer charged with the duty of issuing dog and cat licenses shall only have authority to license dogs and cats of resident owners or custodians who reside within the boundary limits of his county or city and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination as required by this article, the treasurer or other officer charged with the

§3.1-796.86. How to obtain license. (continued)

duty of issuing dog and cat licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, whether dog or cat, whether male, unsexed female, female or kennel, and deliver the metal license tags or plates provided for herein. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county or city and appoint agents for the collection of the license tax and issuance of such licenses.

§3.1-796.87. Amount of license tax.

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any county, city or town which has adopted an ordinance pursuant to subsection B of §3.1-796.85 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be less than one dollar and not more than ten dollars for each year. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for a license tax for kennels of ten, twenty, thirty, forty or fifty dogs not to exceed fifty dollars for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person or that is trained and serves as a service dog for a mobility-impaired person.

As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond and "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

§3.1-796.88. When license tax payable.

- A. On January 1 and not later than January 31 of each year, the owner of any dog or cat four months old or older shall pay a license tax as prescribed in §3.1-796.87.
- B. If a dog or cat becomes four months of age or comes into the possession of any person between January 1 and November 1 of any year, the license tax for the current calendar year shall be paid by the owner.
- C. If a dog or cat becomes four months of age or comes into the possession of any person between October 31 and December 31 of any year, the license tax for the succeeding calendar year shall be paid by the owner and this license shall be valid from the date the license is purchased.
- D. Notwithstanding subsections A, B and C above, the governing body of each county or city which requires dogs or cats to have a rabies inoculation prior to the issuance of a license may designate when the tax is payable and allow the tax to be payable for up to a three-year period thereafter, as long as this period does not exceed the period that the rabies inoculation is effective as certified by a veterinarian.

§3.1-796.89. Effect of dog or cat not wearing collar as evidence.

Any dog or cat not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this chapter the burden of proof of the fact that such dog or cat has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog or cat.

§3.1-796.90. What dog or cat license shall consist of.

A dog or cat license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the jurisdiction issuing the license and the calendar year for which issued and bear a serial number. The tag may be stamped or otherwise marked to show the sex of the dog or cat.

§3.1-796.91. Duplicate license tags.

If a dog or cat license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a

§3.1-796.91. Duplicate license tags. (continued)

duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog or cat shall be one dollar.

§3.1-796.92. Displaying receipts; dogs to wear tags.

Dog and cat license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of its owner.

§3.1-796.93. Governing body of county, city or town may prohibit dogs from running at large.

The governing bodies of the counties, cities and towns of this Commonwealth are hereby authorized to prohibit the running at large of all or any category of dogs in all or any designated portion of such county, city or town during such months as they may designate. Governing bodies may also require that dogs be confined, restricted or penned up during such periods. For the purpose of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this section.

§3.1-796.93:1. Authority to control dangerous or vicious dogs.

- A. The governing body of any county, city or town may enact an ordinance regulating dangerous dogs and vicious dogs.
- B. As used in this section, "dangerous dogs" means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal, and "vicious dog" means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.
- C. Any ordinance enacted pursuant to this section shall prescribe the following provisions:
 - 1. Any animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of the ordinance. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of §3.1-796.119.
 - 2. No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the local governing body prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

§3.1-796.93:1. Authority to control dangerous or vicious dogs. (continued)

3. The owner of any animal found to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of fifty dollars in addition to other fees that may be authorized by law. The local animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.
 4. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, and (ii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.
 5. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
 6. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
 7. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.
 8. The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a Class 1 misdemeanor.
 9. All fees collected pursuant to the ordinance, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by the ordinance, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under §3.1-796.104:1.
- D. Any ordinance enacted pursuant to this section may prescribe the following provisions:
1. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence that the animal has been neutered or spayed.
 2. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$50,000, that covers animal bites.
- E. Notwithstanding the provisions of subdivision C. 1., any ordinance enacted pursuant to this section may provide that an animal control officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of the ordinance. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits.

§3.1-796.93:2. Authority to prohibit training of attack dogs.

Any county with the urban county executive form of government may enact an ordinance which prohibits persons from training dogs on residential property to attack. As used in this section, "attack" means to attack or respond aggressively, with or without command. Any such ordinance shall exempt from its provisions the training of dogs owned by any person who resides on the property.

§3.1-796.94. Governing body of county, city, or town may adopt certain ordinances.

- A. The governing bodies of counties, cities, and towns of the Commonwealth are hereby authorized to adopt, in their discretion, ordinances which parallel §3.1-796.84 through 3.1-796.93, §3.1-796.95 through 3.1-796.104, §3.1-796.115 through 3.1-796.119, §§3.1-796.121, 3.1-796.122, §3.1-796.126:1 through 3.1-796.126:7, and §3.1-796.127 through 3.1-796.129, and of this chapter.

Any funds collected pursuant to the enforcement of ordinances adopted pursuant to the provisions of this section may be used for the purpose of defraying the costs of local animal control, including efforts to promote sterilization of cats and dogs.

Nothing in this section shall be construed so as to prevent or restrict any local governing body from adopting local animal control ordinances which are more stringent than §3.1-796.84 through 3.1-796.93, §3.1-796.95 through 3.1-796.104, §3.1-796.115 through 3.1-796.119, §§3.1-796.121, 3.1-796.122, §3.1-796.126:1 through 3.1-796.126:7, and §3.1-796.127 through 3.1-796.129, and of this chapter.

- B. The governing bodies of counties, cities or towns of the Commonwealth are hereby authorized to adopt, in their discretion, ordinances establishing uniform schedules of civil penalties for violations of specific provisions of ordinances adopted pursuant to this section. Designation of a particular violation for a civil penalty shall be in lieu of criminal sanctions and preclude prosecution of such violation as a criminal misdemeanor. The schedule for civil penalties shall be uniform for each type of specified violation and the penalty for any one violation shall not be more than \$150. Imposition of civil penalties shall not preclude an action for injunctive, declaratory or other equitable relief. Moneys raised pursuant to this subsection shall be placed in the locality's general fund.

An animal control officer or law-enforcement officer may issue a summons for a violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the county, city or town issuing the summons or ticket prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged.

§3.1-796.94:1. Regulation of keeping of animals and fowl.

Any county may, whenever in the judgment of the board of supervisors the same is necessary, for the preservation of public health, regulate by ordinance the keeping of animals or fowl, other than dogs and cats, within a certain distance of residences or other buildings or wells, springs, streams, creeks, or brooks, and provide that all or certain of such animals shall not be kept within certain areas.

Any county, city, or town may, by ordinance, prohibit cruelty to and abuse of animals and fowl; and may regulate or prohibit the running at large and the keeping of animals and fowl and provide for the impounding and confiscation of any such animal or fowl found at large or kept in violation of such regulations. Any such ordinance may require that owners of any exotic or poisonous animal found running at large pay a fee to cover the locality's actual cost in locating and capturing or otherwise disposing of the animal.

§3.1-796.94:2. Regulation of sale of animals procured from animal shelters.

Any city, county or town which supports, in whole or in part, an animal shelter may by ordinance provide that no person who acquires an animal from such shelter shall be able to sell such animal within a period of six months from the time the animal is acquired from the shelter. Violation of such an ordinance shall constitute a misdemeanor.

§3.1-796.95. Referendum on ordinance requiring dogs to be kept on leash, etc.

The governing body of any city may adopt regulations or ordinances requiring that dogs within the confines of any such city be kept on a leash or otherwise restrained and may, by resolution directed to the circuit court of such city, request the court to order a referendum as to whether any such ordinance so adopted shall become effective in the city. Such referendum shall be held and conducted, and the results thereof ascertained and certified in accordance with §24.1-165. The court shall require the governing body to give appropriate notice of the time, place and subject matter of such referendum.

The results of the referendum shall not be binding upon the governing body of any such city but may be used in ascertaining the sense of the voters.

§3.1-796.96. County or city pounds; confinement and disposition of stray animals.

- A. The governing body of each county or city shall maintain or cause to be maintained a pound and shall require dogs running at large without the tag required by §3.1-796.92 or in violation of an ordinance passed pursuant to §3.1-796.93 to be confined therein. The governing body of any county or city need not own the facility required by this section but may contract for its establishment with a private group or in conjunction with one or more other local governing bodies. The governing body shall require that the pound (i) be accessible to the public at reasonable hours during the week; (ii) post in full view of the public and pursuant to §§ 3.1-796.96:2 and 3.1-796.96:3, contact information for all animal shelters and companion animal rescue agencies that are located in the same city or county as the pound or that have received animals that were found in the same city or county as the pound; (iii) when contacted by a person seeking a lost animal, shall advise the person that the animal may be at an animal shelter or companion animal rescue agency and shall provide the person with the contact information for the animal shelters and companion animal rescue agencies that service the locality where the pound is located; (iv) post the descriptions of each animal submitted to the pound by an animal shelter or companion animal rescue agency, in full view of the public for a period of not less than fourteen days from the time the description is received; and (v) maintain the description of each animal for a period of one year and make it available to the public for inspection upon request. Nothing in this section shall be construed to prohibit the confinement of other companion animals in such a pound.
- B. An animal confined pursuant to this section shall be kept for a period of not less than five days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof.
- The operator or custodian of the pound shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight hours following its confinement.
- If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be charged with the actual expenses incurred in keeping the animal impounded.
- C. If an animal confined pursuant to this section has not been claimed upon expiration of the appropriate holding period as prescribed by subsection B, it shall be deemed abandoned and become the property of the pound or shelter. If such abandoned animal did not when delivered to the pound bear a collar, tag, license, tattoo, or other form of identification, it may be humanely destroyed or disposed of by:
1. Sale or gift to a federal agency, state-supported institution, agency of the Commonwealth, agency of another state, or a licensed federal dealer having its principal place of business located within the Commonwealth, provided that such agency, institution or dealer agrees to confine the animal for an additional period of not less than five days;
 2. Delivery to any humane society, animal shelter, or companion animal rescue agency within the Commonwealth, provided no member of its board of directors, operators, or employees has ever been convicted of animal cruelty, neglect, or abandonment;
 3. Adoption by any person who is a resident of the county or city for which the pound is operated and who will pay the required license fee, if any, on such animal, provided that no person may adopt an animal if the person has ever been convicted of animal cruelty, neglect, or abandonment;
 4. Adoption by a resident of an adjacent political subdivision of the Commonwealth, provided that no person may adopt an animal if the person has ever been convicted of animal cruelty, neglect, or abandonment;
 5. Adoption by any other person, provided that no person may adopt an animal if the person has ever been convicted of animal cruelty, neglect, or abandonment, and provided that no animal may be adopted by any person who is not a resident of the county or city for which the pound or animal shelter is operated, or of an adjacent political subdivision, unless the animal is first sterilized; or
 6. Delivery, for the purposes of adoption or euthanasia only, to a humane society, an animal shelter, or a companion animal rescue agency located in and lawfully operating under the laws of another state, provided that such humane society, animal shelter, or companion animal rescue agency (i) maintains records that would comply with §3.1-796.105; (ii) requires that adopted dogs and cats be sterilized; and (iii) has been approved by the State Veterinarian or his designee as a facility or agency that maintains such records, requires adopted dogs and cats to be sterilized, and provides adequate care and euthanasia.
- If such abandoned animal when delivered to the pound bore a collar, tag, license, tattoo, or other form of identification, it may be humanely destroyed or disposed of by the methods described in subdivision 2, 3, 4, or 5 of this subsection.

§3.1-796.96. County or city pounds; confinement and disposition of stray animals. (continued)

No pound or shelter shall deliver more than two animals or a family of animals during any thirty day period to any one person under subdivision 3, 4 or 5 of this subsection.

If an animal is required to be sterilized prior to adoption pursuant to subdivision 5 of this subsection, the pound or animal shelter may require that the sterilization be done at the expense of the person adopting the animal.

- D. Nothing in this section shall prohibit the immediate destruction of a critically injured, critically ill, or unweaned animal for humane purposes. Any animal destroyed pursuant to the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.
- E. Nothing in this section shall prohibit the immediate destruction or disposal by the methods listed in subdivisions 2 through 6 of subsection C of an animal that has been delivered voluntarily or released to a pound, animal shelter, animal control officer, or humane society by the animal's rightful owner after the rightful owner has, in writing, surrendered all property rights in such animal and has read and signed a statement (i) certifying that no other person has a right of property in the animal and (ii) acknowledging that the animal may be immediately euthanized or disposed by the methods listed in subdivisions 2 through 6 of subsection C.
- F. Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification which, based on the written certification of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, from being euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The certification of the disinterested person shall be kept with the animal as required by §3.1-796.105. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal to the facility.
- G. For purposes of this section:
 - "Animal" shall not include agricultural animals.
 - "Rightful owner" means a person with a right of property in the animal.
 - "Humane society," when referring to an organization without the Commonwealth, means any nonprofit organization organized for the purpose of preventing cruelty to animals and promoting humane care and treatment or adoption of animals.
- H. The governing body shall require that the pound be operated in accordance with regulations issued by the Board. If this chapter or such regulations are violated, the locality may be assessed a civil penalty by the Board in an amount that does not exceed \$1,000 per violation. Each day of the violation shall constitute a separate offense. In determining the amount of any civil penalty, the Board shall consider (i) the history of previous violations at the pound; (ii) whether the violation has caused injury to, death or suffering of, an animal; (iii) the demonstrated good faith of the locality to achieve compliance after notification of the violation. All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.
- I. If this chapter or any laws governing animal pounds are violated, the Commissioner may bring an action to enjoin the violation or threatened violation of this chapter or the regulations pursuant thereto regarding animal pounds, in the circuit court where the pound is located. The Commissioner may request the Attorney General to bring such action, when appropriate.

(The civil penalty provisions of this section shall become effective on January 1, 2003.)

§3.1-796.96:1. Disposition of animals other than those in county or city pounds.

No animal bearing a tag, license or tattooed identification shall be used or accepted by any person for the purpose of medical research or experimentation, unless the individual who owns such animal consents thereto in writing.

§3.1-796.96:2. Animal shelters; confinement and disposition of animals; penalties.

- A. An animal shelter may confine and dispose of animals in accordance with the provisions of subsections B through G of §3.1-796.96.
- B. The State Veterinarian or his designee shall inspect an animal shelter prior to the shelter confining or disposing of animals pursuant to this section. The animal shelter shall meet the requirements of all laws with regard to confinement and disposition of animals before the shelter is approved to receive animals and provide a reasonable and comfortable climate appropriate for the age, species, condition, size, and type of animal.
- C. An animal shelter that confines and disposes of animals pursuant to this section shall be accessible to the public at reasonable hours, shall have its telephone number and address listed in a telephone directory, and shall post its contact information, including at least its name, address, and telephone number, in pounds in the localities it serves and update the contact information as changes occur.

§3.1-796.96:2. Animal shelters; confinement and disposition of animals; penalties. (continued)

- D. The operator of an animal shelter that confines an animal that has not been received from its owner or from an authorized releasing agency shall, pursuant to this section, transmit a description of the animal including at least color, breed, size, sex, and other identifications or markings and where the animal was found, to the pound maintained by the county or city where the animal shelter is located and to the pound in the county or city where the animal was found within twenty-four hours of the shelter receiving the animal. No animal shelter shall be operated in violation of any local zoning ordinance.
- E. An animal shelter that confines and disposes of animals pursuant to this section shall be operated in accordance with this chapter. If this chapter or such regulations are violated, the animal shelter may be assessed a civil penalty by the Department or its designee in an amount that does not exceed \$1,000 per violation. Each day of the violation shall constitute a separate offense. In determining the amount of any civil penalty, the Board or its designee shall consider (i) the history of previous violations at the animal shelter; (ii) whether the violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the animal shelter to achieve compliance after notification of the violation.
- All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.
- F. If this chapter or any laws governing animal shelters are violated, the Commissioner may bring an action to enjoin the violation or threatened violation of this chapter or the regulations pursuant thereto regarding animal shelters, in the circuit court where the animal shelter is located. The Commissioner may request the Attorney General to bring such an action, when appropriate.

(The civil penalties provisions of this section shall become effective on January 1, 2003.)

§3.1-796.96:3. Companion animal rescue agencies; confinement and disposition of companion animals; penalties.

- A. A companion animal rescue agency may in accordance with the provisions of this section and subsections B through G of §3.1-796.96 confine and dispose of companion animals. If a companion animal rescue agency utilizes foster homes, it shall inspect each foster home it uses prior to the foster home accepting companion animals and verify that each foster home meets the requirements set forth in subsection E. The information shall be reported in a format prescribed by the State Veterinarian. The companion animal rescue agency shall maintain a copy of the inspection report and file a copy of the report with the State Veterinarian upon approving a foster home. Nothing in this section shall prohibit a companion animal rescue agency from placing an animal in a residential home that is not approved as a foster home as long as that home is used no more than twice a year, and provided that no person residing in that home has ever been convicted of animal cruelty, neglect or abandonment.
- B. A companion animal rescue agency that confines and disposes of animals pursuant to this section shall be accessible to the public at reasonable hours, shall have its telephone number and address listed in a telephone directory, and shall post its contact information, including at least its name, address, and telephone number, in pounds in the localities it serves and update the information as changes occur.
- C. A companion animal rescue agency that confines an animal that has not been received from its owner nor from an authorized releasing agency shall, pursuant to this section, submit a description of the animal, including at least color, breed, size, sex, and other identification or markings and where the animal was found, to the pound maintained by the county or city where the companion animal rescue agency is located and to the pound in the county or city where the animal was found within twenty-four hours of the rescue agency receiving the animal.
- D. A companion animal rescue agency shall keep records of all companion animals received for five years from the date of disposition, and the records shall be kept at the address specified in the application pursuant to §3.1-796.96:4.
1. Each record shall contain a description of the animal as required by subsection B of §3.1-796.120 and the name, address, and phone number of the adopting party.
 2. All records shall be made available to the Department, animal control officer, law-enforcement officers, and the general public at reasonable times during business hours, or at other mutually agreeable times. Identifying information of prior owner, finder, and adopter may be deleted when sharing records with the public.
 3. Companion animal rescue agencies shall maintain records of the current street address of foster homes or boarding establishments used by the agency.
 4. The companion animal rescue agency shall provide annually to the State Veterinarian a summary of the records required in this subsection in a format prescribed by him.
- E. A companion animal rescue agency must comply with the requirements of §3.1-796.68. A companion animal rescue agency must also provide a reasonable and comfortable climate appropriate for the age, species, condition, size, and type of animal. The companion animal rescue agency shall not use dog houses with tethers as primary enclosures.

§3.1-796.96:3. Companion animal rescue agencies; confinement and disposition of companion animals; penalties. (continued)

- F. The companion animal rescue agency shall ensure that it and its foster homes maintain the standards of care prescribed in this section. The companion animal rescue agency and its foster homes shall complete a self-assessment at least twice a year in a format prescribed by the State Veterinarian. A copy of the self-assessment shall be maintained by the companion animal rescue agency and the foster homes.
- G. If a companion animal rescue agency finds a direct and immediate threat to a companion animal in a foster home, the companion animal rescue agency shall remove the companion animal from the foster home and report their findings to the animal control agency in the locality where the foster home is located.
- H. Any companion animal rescue agency or foster home that violates any provision of this section shall be subject to a Class 4 misdemeanor.
- I. A companion animal rescue agency violates any provision of this chapter, the Department may suspend the companion animal rescue agency's registration.

§3.1-796.96:4. Companion animal rescue agencies; registration requirements; application; conditions for registration; inspections.

- A. No person or organization shall operate a companion animal rescue agency unless that person or organization is registered with the Department. The twelve-month registration period shall commence the first day of January and must be renewed on or before the first day of January of the following calendar year.
- B. Any person or organization seeking a companion animal rescue agency registration shall apply on a form furnished by the Department. The applicant shall provide all information requested on the form, including, but not limited to, a valid mailing address through which the applicant can be reached, and a valid premises address where records are located. All premises, facilities, or sites where an applicant operates or keeps companion animals shall be shown on the application form. The application shall be filed with the Department and shall be accompanied by any appropriate fee required by the Department.
- C. Registrations issued pursuant to this section shall not be transferable.
- D. The registration shall be valid for up to one year and expire on December 31st, unless the companion animal rescue agency violates any provision of this chapter. The Department may refuse to renew a registration if a companion animal rescue agency or foster home violates any provision of this chapter.
- E. No companion animal rescue agency shall be registered if any of its directors, operators or employees, or operators of foster homes have ever been convicted of animal cruelty, neglect, or abandonment.
- F. A companion animal rescue agency shall notify the Department by mail of any change in the name, address, substantial control or ownership in the operation of the companion animal rescue agency, within fifteen days of the change. No companion animal rescue agency or foster home shall be operated in violation of any local zoning ordinance.

§3.1-796.96:5. Pounds and animal shelters; foster home registration requirements; applications; conditions for registration; inspections.

- A. A pound or animal shelter may place an animal in a foster home provided that:
 - 1. The pound or animal shelter has registered the foster home with the Department. Any pound or animal shelter seeking to register a foster home shall apply on a form furnished by the Department. The applicant shall provide all information requested on the form, including, but not limited to, a valid mailing address through which the applicant can be reached and a valid premises address where records are located. All premises, facilities, or sites where an applicant operates or keeps companion animals shall be shown on the application form. The application shall be filed with the Department and shall be accompanied by any appropriate fee required by the Department.
 - 2. Registrations issued pursuant to this section shall not be transferable.
 - 3. The registration shall be valid for up to one year and expire on December 31st, unless the companion animal rescue agency violates any provision of this chapter. The Department may refuse to renew a registration if a companion animal rescue agency or foster home violates any provision of this chapter.
 - 4. The pound or animal shelter shall inspect the foster home to be used prior to the foster home accepting any companion animal, and shall verify in a report that the foster home meets the requirements set forth in subsection E of §3.1-796.96:3. The pound or animal shelter shall maintain a copy of this inspection report and file a copy of the inspection report with the State Veterinarian upon approving a foster home.
 - 5. No pound or animal shelter shall place an animal in a foster home if any operator of the foster home has ever been convicted of animal cruelty, neglect, or abandonment.

§3.1-796.96:5. Pounds and animal shelters; foster home registration requirements; applications; conditions for registration; inspections. (continued)

6. A pound or animal shelter shall notify the Department by mail of any change in the name, address, substantial control or ownership in the operation of the foster home, within fifteen days of the change.
- B. A pound or animal shelter that places an animal in a foster home shall ensure that the foster home maintains the standards of care pursuant to subsection E of §3.1-796.96:3. Each foster home shall complete a self-assessment at least twice a year in a format prescribed by the State Veterinarian. A copy of the self-assessment shall be maintained by the pound or animal shelter and the foster home.
- C. If a pound or animal shelter finds a direct and immediate threat to a companion animal in a foster home, the pound or animal shelter shall remove the companion animal from the foster home. The pound shall report its findings to the animal control officer in the area where the foster home is located and the animal control officer shall investigate the allegations. The animal shelter shall report its findings to the animal control agency in the locality where the foster home is located. If a pound violates any provision of this section, it may be subject to a civil penalty as defined in subsection H of §3.1-796.96. If an animal shelter violates any provision of this section, it may be subject to a civil penalty as defined in subsection C of §3.1-796.120.
- D. Nothing in this section shall prohibit a pound or animal shelter from placing an animal in a residential home that is not approved as a foster home as long as that home is used no more than twice a year and provided that no person residing in that home has ever been convicted of animal cruelty, neglect or abandonment.

§3.1-796.97. Evidence showing inoculation for rabies prerequisite to obtaining dog or cat license; rabies clinics.

No license tag shall be issued for any dog or cat unless there is presented, to the treasurer or other officer of the county or city charged by law with the duty of issuing license tags for dogs and cats at the time application for license is made, evidence satisfactory to him showing that such dog or cat has been inoculated or vaccinated against rabies by a currently licensed veterinarian or currently licensed veterinary technician who was under the immediate and direct supervision of a licensed veterinarian on the premises.

Rabies clinics, approved by the appropriate health department and governing body, shall be held at least once per year in each county in which the governing body finds that the number of resident veterinarians is otherwise inadequate to meet the need.

§3.1-796.97:1. Rabies inoculation of dogs and domesticated cats.

The owner or custodian of all dogs and domesticated cats four months of age and older shall have them currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. The supervising veterinarian on the premises shall provide the owner of the dog or the custodian of the domesticated cat with a certificate of vaccination. The owner of the dog or the custodian of the domesticated cat shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species.

§3.1-796.98. Rabid animals.

When there is sufficient reason to believe that a rabid animal is at large, the governing body of any county, city or town shall have the power to pass an emergency ordinance which shall become effective immediately upon passage, requiring owners of all dogs and cats therein to keep the same confined on their premises unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten by the rabid animal. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed thirty days unless renewed by the governing body of such county, city or town. The governing body of any county, city or town shall also have the power and authority to pass ordinances restricting the running at large in their respective jurisdiction of dogs and cats which have not been inoculated or vaccinated against rabies and to provide penalties for the violation thereof.

Dogs or cats showing active signs of rabies or suspected of having rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in §3.1-796.96. Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the local health department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

§3.1-796.98. Rabid animals. (continued)

Any dog or cat, for which no proof of current rabies vaccination is available, and which is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, shall be confined in a pound, kennel or enclosure approved by the health department for a period not to exceed six months at the expense of the owner; however, if this is not feasible, the dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in §3.1-796.96. A rabies vaccination shall be administered prior to release. Inactivated rabies vaccine may be administered at the beginning of confinement. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane with proof of a valid rabies vaccination, shall be revaccinated immediately following the bite and shall be confined to the premises of the owner, or other site as may be approved by the local health department, for a period of ninety days.

At the discretion of the director of a local health department, any animal which has bitten a person shall be confined under competent observation for ten days, unless the animal develops active symptoms of rabies or expires before that time. A seriously injured or sick animal may be humanely euthanized as provided in §3.1-796.96, and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services, or the local health department, for evaluation.

When any potentially rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, that animal shall be confined at the discretion of a local health director in a manner approved by the health department or humanely euthanized as provided in §3.1-796.96 and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services or the local health department for evaluation.

When any animal, other than a dog or cat, is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, that newly exposed animal shall be confined at the discretion of a local health director in a manner approved by the health department or humanely euthanized as provided in §3.1-796.96.

§3.1-796.99. Inoculation for rabies at animal shelters.

Dogs and cats being adopted from an animal shelter during the period an emergency ordinance is in force, as provided for in §3.1-796.98 may be inoculated for rabies by a certified animal technician at such shelter if the certified animal technician is under the immediate and direct supervision of a licensed veterinarian.

§3.1-796.100. Regulations to prevent spread of rabies and running at large of vicious dogs.

- A. The governing body of any county, city or town may adopt such ordinances, regulations or other measures as may be deemed reasonably necessary to prevent the spread within its boundaries of the disease of rabies, and to regulate and control the running at large within its boundaries of vicious or destructive dogs. Penalties may be provided for the violation of any such ordinances. If the ordinance declares the existence of an emergency, then the ordinance shall be in force upon passage.
- B. The governing body of any county that has adopted the urban county executive form of government may adopt an ordinance creating a program for the distribution of oral rabies vaccine within its boundaries to prevent the spread of rabies. An ordinance enacted pursuant to this subsection shall contain the following provisions:
 1. Notice shall be given to the owner or occupant of property prior to the entry upon the property for the purpose of the distribution of oral rabies vaccine or the use of any other methods to place oral rabies vaccine on the property. Notice shall be given by (i) sending two letters by first-class mail, at successive intervals of not less than two weeks set forth in the ordinance and (ii) printing a copy thereof, at least once, in a newspaper of general circulation in the locality concerned. Written notice shall be in a form approved by the governing body and shall include a description of the purpose for which entry upon the property is to be made, the time and method of rabies vaccine distribution at the property, and the submission deadline for requests by any owner or occupant of the property who wishes to be excluded from the oral rabies vaccine distribution program.
 2. The owner or occupant of the property may refuse to allow the distribution of oral rabies vaccine upon such property. The ordinance shall establish procedures to be followed by any owner or occupant who wishes to be excluded from the oral rabies vaccine distribution program, including the time and method by which requests for nonparticipation must be received. If the governing body receives a request for nonparticipation by the owner or occupant of property for the distribution of oral rabies vaccine, no further action shall be taken to distribute oral vaccine on such property for a period of one year.

§3.1-796.100. Regulations to prevent spread of rabies and running at large of vicious dogs. (continued)

Nothing in this subsection shall be construed to limit any authority for the distribution of oral rabies vaccine otherwise prohibited by law.

§3.1-796.101. Disposition of funds.

Unless otherwise provided by ordinance of the local governing body, the treasurer of each locality shall keep all moneys collected by him for dog and cat license taxes in a separate account from all other funds collected by him. The locality shall use the funds for the following purposes:

1. The salary and expenses of the animal control officer and necessary staff;
2. The care and maintenance of a dog pound;
3. The maintenance of a rabies control program;
4. Payments as a bounty to any person neutering or spaying a dog up to the amount of one year of the license tax as provided by ordinance;
5. Payments for compensation as provided in §3.1-796.118; and
6. Efforts to promote sterilization of dogs and cats.

Any part or all of any surplus remaining in such account on December 31 of any year may be transferred by the governing body of such locality into the general fund of such locality.

§3.1-796.102. Supplemental funds.

Localities may supplement the dog and cat license tax fund with other funds as they consider appropriate. However, localities shall supplement the dog and cat license tax fund to the extent necessary to provide for the salary and expenses of the animal control officer and staff and the care and maintenance of a pound as provided in subdivisions 1 and 2 of §3.1-796.101.

§3.1-796.103. Payment of license tax subsequent to summons.

Payment of the license tax subsequent to a summons to appear before a court for failure to pay the license tax within the time required shall not operate to relieve such owner from the penalties provided.

Article 5. Animal Control Officers and Humane Investigators.

§3.1-796.104. Position of animal control officer created.

The governing body of each county or city shall, or each town may, appoint an officer to be known as the animal control officer who shall have the power to enforce this chapter, all ordinances enacted pursuant to this chapter and all laws for the protection of domestic animals. The governing body may also appoint one or more deputy animal control officers to assist the animal control officer in the performance of his duties. Animal control officers and deputy animal control officers shall have a knowledge of the animal control and protection laws of Virginia which they are required to enforce. When in uniform or upon displaying a badge or other credentials of office, animal control officers and deputy animal control officers shall have the power to issue a summons to any person found in the act of violating any such law or any ordinance enacted pursuant to such law of the locality in which the control officer or deputy control officer is appointed. The animal control officer and the deputy animal control officers shall be paid as the governing body of each locality shall prescribe.

Any locality in which an animal control officer or deputy animal control officers have been appointed may contract with one or more additional localities for enforcement of animal protection and control laws by the animal control officer or deputy animal control officers. Any such contract may provide that the locality employing the animal control officer or deputy animal control officers shall be reimbursed a portion of the salary and expenses of the animal control officer or deputy animal control officers.

Every locality employing an animal control officer shall submit to the Department of Criminal Justice Services, on a form provided by it, information concerning the employment and training status of the animal control officers employed by the locality. The Department may require that the locality notify the Department of any change in such information.

§3.1-796.104:1. Training of animal control officers.

- A. After April 1, 1999, every locality appointing animal control officers shall require that every animal control officer and deputy animal control officer completes the following training:
 - 1. Within two years after appointment, a basic animal control course that has been approved by the Department of Criminal Justice Services and the State Veterinarian, which shall include training in recognizing suspected child abuse and neglect and information on how complaints may be filed; and
 - 2. Every three years, additional training approved by the Department of Criminal Justice Services and the State Veterinarian, fifteen hours of which shall be training in animal control and protection.

The Department of Criminal Justice Services and the State Veterinarian shall develop criteria to be used in approving training courses and shall provide an opportunity for public comment on proposed criteria before the final criteria are adopted. Subdivision 1 of this subsection shall not apply to animal control officers or deputy animal control officers appointed before July 1, 1998. The State Veterinarian may grant exemptions from the requirements of subdivision 1 to animal control officers appointed on or after July 1, 1998, based on the animal control officer's previous training.
- B. Upon cause shown by a locality, the State Veterinarian may grant additional time during which the training required by subsection A may be completed by an animal control officer in such locality.
- C. Any animal control officer that fails to complete the training required by subsection A shall be removed from office, unless the State Veterinarian has granted additional time as provided in subsection B.

§3.1-796.105. Animal control officers and humane investigators; limitations; records; penalties.

- A. No animal control officer, humane investigator, humane society or custodian of any pound or animal shelter shall (i) obtain the release or transfer of an animal by the animal's owner to such animal control officer, humane investigator, humane society or custodian for personal gain or (ii) give or sell or negotiate for the gift or sale to any individual, pet shop, dealer, or research facility of any animal which may come into his custody in the course of carrying out his official assignments. No animal control officer, humane investigator or custodian of any pound or animal shelter shall be granted a dealer's license. Violation of this subsection shall be a Class 1 misdemeanor.
Nothing in this section shall preclude any animal control officer or humane investigator from lawfully impounding any animal pursuant to §3.1-796.115.
- B. An animal control officer, law-enforcement officer, humane investigator or custodian of any pound or animal shelter, upon taking custody of any animal in the course of his official duties, or any representative of a humane society, upon obtaining custody of any animal on behalf of the society, shall immediately make a record of the matter. Such record shall include:
 - 1. The date on which the animal was taken into custody;
 - 2. The date of the making of the record;
 - 3. A description of the animal including the animal's species, color, breed, sex, approximate age and approximate weight;
 - 4. The reason for taking custody of the animal and the location where custody was taken;
 - 5. The name and address of the animal's owner, if known;
 - 6. Any license or rabies tag, tattoo, collar or other identification number carried by or appearing on the animal; and
 - 7. The disposition of the animal.

Records required by this subsection shall be maintained for at least five years, and shall be available for public inspection upon request. A summary of such records shall be submitted annually to the State Veterinarian in a format prescribed by him.
- C. Any animal control officer or custodian of any pound who violates any provision of this chapter which relates to the seizure, impoundment and custody of animals by an animal control officer may be subject to suspension or dismissal from his position.
- D. Custodians and animal control officers engaged in the operation of a pound shall be required to have a knowledge of the laws of Virginia governing animals, including this chapter, as well as basic animal care.

§3.1-796.106. Investigators; qualifications; appointment; term; penalty.

- A. The Board shall establish by regulation reasonable qualifications for humane investigators. Such qualifications shall include knowledge of the provisions of this chapter and the regulations adopted pursuant to this chapter. The State Veterinarian shall maintain a current list of persons who have demonstrated that they meet such qualifications and shall make the list available for public inspection.
- B. A circuit court may appoint any person as a humane investigator for any locality within its jurisdiction if the person:
 - 1. Is listed by the State Veterinarian as provided in subsection A as being qualified to be a humane investigator; and
 - 2. Has never been convicted of animal cruelty or neglect, any felony, or any crime of moral turpitude according to a criminal background check which shall be performed by the attorney for the Commonwealth at the expense of the person seeking appointment.

§3.1-796.106. Investigators; qualifications; appointment; term; penalty. (continued)

A person residing outside the Commonwealth may be appointed as a humane investigator only if he is employed by a humane society located within the locality for which he is seeking appointment.

- C. On July 1, 2001, the appointment of every humane investigator who was appointed before July 1, 1998, shall expire. Any humane investigator whose appointment has so expired may be reappointed if he certifies to the appointing court that he has within the preceding three years completed fifteen hours of training in animal care and protection approved by the State Veterinarian.
- D. Except as provided in subsection C, appointments of humane investigators shall be for terms of three years. Each humane investigator shall, during such term for which he is appointed, complete fifteen hours of training in animal care and protection approved by the State Veterinarian. If a humane investigator is appointed to a succeeding term before or within thirty days after his current term expires, a criminal background check shall not be required. If a humane investigator's term expires, the circuit court that appointed him shall notify the State Veterinarian of the expiration of his term.
- E. Approval of a training course by the State Veterinarian as required by this section shall remain in effect for one year from the approval date, unless the State Veterinarian establishes an earlier date.
- F. The State Veterinarian shall remove from the list required by subsection A any person:
 - 1. Who has not been appointed as a humane investigator within three years of having been placed on the list;
 - 2. Whose appointment as a humane investigator has been revoked as provided in §3.1-796.106:1;
 - 3. Whose term as a humane investigator has expired, if such person has not been appointed to a succeeding term by the circuit court before or within thirty days after the term expired.

§3.1-796.106:1. Revocation of appointment of humane investigators; State Veterinarian may investigate allegations.

- A. Upon a motion by the attorney for the Commonwealth, the circuit court that appointed a humane investigator may revoke his appointment if he is no longer able to perform the duties of a humane investigator; has been convicted of any felony, Class 1 misdemeanor, or a violation of any provision of this chapter or any other law regarding animals; or for good cause shown. The court shall notify the State Veterinarian of each such revocation.
- B. The State Veterinarian may investigate any allegation that a humane investigator has violated this chapter and report his findings and recommendations to the attorney for the Commonwealth. The State Veterinarian may authorize a State Veterinarian's representative to conduct such investigation. The report shall be held confidential except that the substance of the allegation against the humane investigator shall be disclosed to the humane investigator upon his written request.

§3.1-796.106:2. Powers and duties of humane investigators.

- A. Any humane investigator may, within the locality for which he has been appointed, investigate violations of laws and ordinances regarding care and treatment of animals and disposal of dead animals.
- B. Each humane investigator shall carry during the performance of his powers and duties under this chapter an identification card issued by the State Veterinarian. The identification card shall include the following information regarding the humane investigator:
 - 1. His full name;
 - 2. The locality for which he has been appointed;
 - 3. The name of the circuit court that appointed him;
 - 4. The signature of the circuit court judge that appointed him;
 - 5. A photograph of his face;
 - 6. The date of expiration of his appointment.
- C. Each humane investigator shall record on a form approved by the State Veterinarian every investigation he performs, maintain such record for five years, and make such record available upon request to any law-enforcement officer, animal control officer or State Veterinarian's representative. Each humane investigator shall file quarterly a report summarizing such records with the State Veterinarian on a form approved by him. A humane investigator's appointment may be revoked as provided in §3.1-796.106:1 if he fails to file such report.

§3.1-796.107. Complaint of suspected violation; investigation.

- A. Upon receiving a complaint of a suspected violation of this chapter, any ordinance enacted pursuant to this chapter or any law for the protection of domestic animals, any animal control officer, law-enforcement officer, or State Veterinarian's representative may, for the purpose of investigating the allegations of the complaint, enter upon, during business hours, any business premises,

§3.1-796.107. Complaint of suspected violation; investigation. (continued)

including any place where animals or animal records are housed or kept, of any dealer, pet shop, groomer, or boarding establishment. Upon receiving a complaint of a suspected violation of any law or ordinance regarding care or treatment of animals or disposal of dead animals, any humane investigator may, for the purpose of investigating the allegations of the complaint, enter upon, during business hours, any business premises, including any place where animals or animal records are housed or kept, of any dealer, pet shop, groomer, or boarding establishment.

Upon obtaining a warrant as provided for in §3.1-796.113, the law-enforcement officer, animal control officer, State Veterinarian's representative, or humane investigator may enter upon any other premises where the animal or animals described in the complaint are housed or kept. Attorneys for the Commonwealth and law-enforcement officials shall provide such assistance as may be required in the conduct of such investigations.

- B. If the investigation discloses that a violation of §3.1-796.68 has occurred, the investigating official shall notify the owner or custodian of the complaint and of what action is necessary to comply with this chapter.

§3.1-796.108. Impoundment; expenses; lien; disposition of animal.

When an animal control officer, humane investigator, law-enforcement officer, or State Veterinarian's representative finds that an apparent violation of this chapter has rendered an animal in such a condition as to constitute a direct and immediate threat to its life, safety or health which the owner or custodian has failed or refuses to remedy, such animal control officer, humane investigator, law-enforcement officer State Veterinarian's representative may impound the animal pursuant to §3.1-796.115 in a facility which will provide the elements of good care as set forth in §3.1-796.68 and shall then proceed to take such steps as are required to dispose of the animal pursuant to §3.1-796.115.

§3.1-796.109. [REPEALED 7/1/98]

§3.1-796.110. Bonds and certificates of humane investigators; expenses.

Neither the appointment of any humane investigator, nor the performance of any service or duty by him, shall require any locality or the Commonwealth to pay any cost or expense incurred by or on behalf of a humane investigator. Any locality may reimburse any humane investigator appointed for that locality for reasonable expenses incurred as the result of a specific request for services from the locality.

§3.1-796.111. Such humane investigators shall prevent cruelty to animals; interference with such agents; penalty.

Each animal control officer, humane investigator or State Veterinarian's representative shall interfere to prevent the perpetration of any act of cruelty upon any animal in his presence. Any person who shall interfere with or obstruct or resist any animal control officer, humane investigator or State Veterinarian's representative in the discharge of his rights, powers, and duties as authorized and prescribed by law shall be deemed guilty of a Class 4 misdemeanor.

§3.1-796.112. Enforcement authority.

All law-enforcement officers in the Commonwealth of Virginia and State Veterinarians representatives shall enforce the provisions of this chapter to the same extent other laws in the Commonwealth are enforced.

§3.1-796.113. Power of search for violations of statutes against cruelty to animals.

When a sworn complaint is made to any proper authority by any animal control officer, humane investigator, law-enforcement officer or State Veterinarian's representative that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been, are being, or are about to be violated in any particular building or place, such authority, if satisfied that there is reasonable cause for such belief, shall issue a warrant authorizing any sheriff, deputy sheriff or police officer, to search the building or place. No search shall be made after sunset unless specially authorized by the authority upon satisfactory cause shown.

§3.1-796.114. When animals to be destroyed; procedure.

Any humane investigator may lawfully cause to be destroyed, any animal in his charge or found abandoned or not properly cared for, when, in the judgment of the humane investigator and two reputable citizens called to view the same in his presence, and who shall give their written certificate, the animal appears to be injured, disabled or diseased, past recovery, or the injury, disease or disability, is such that a reasonable owner would cause the animal to be destroyed. Any humane investigator shall make every reasonable effort immediately to notify the owner of the animal that the humane investigator intends for the animal to be destroyed.

§3.1-796.114. When animals to be destroyed; procedure. (continued)

The owner shall have a right to select one of the two reputable citizens called to view the animal and give written certificate of the animal's condition. In no event shall the determination as to disposition of the animal be delayed beyond forty-eight hours after such humane investigator first decides the animal should be destroyed. In the event that the two citizens called to give such certificate are unable to agree, they shall select a third reputable citizen and his decision shall be final.

§3.1-796.115. Seizure and impoundment of animals; notice and hearing; disposition of animal; disposition of proceeds upon sale.

A. Any humane investigator, law-enforcement officer or animal control officer may lawfully seize and impound any animal that has been abandoned, has been cruelly treated, or that is suffering from an apparent violation of this chapter that has rendered the animal in such a condition as to constitute a direct and immediate threat to its life, safety or health. Before seizing or impounding any agricultural animal, such humane investigator, law-enforcement officer or animal control officer shall contact the State Veterinarian or a State Veterinarian's representative, who shall recommend to such person the most appropriate action for the disposition of the agricultural animal, provided, however, that the seizure or impoundment of an equine resulting from a violation of subdivision A (iii) or subdivision B (ii) of §3.1-796.122 may be undertaken only by the State Veterinarian or State Veterinarian's representative who has received training in the examination and detection of sore horses equivalent to that required by 9 C.F.R. Part 11.7 and that is approved by the State Veterinarian. The humane investigator, law-enforcement officer or animal control officer shall notify the owner of the agricultural animal and the local attorney for the Commonwealth of the recommendation. The humane investigator, law-enforcement officer or animal control officer may impound the agricultural animal on the land where the agricultural animal is located if:

1. The owner or tenant of the land where the agricultural animal is located gives written permission;
2. A general district court so orders; or
3. The owner or tenant of the land where the agricultural animal is located cannot be immediately located, and it is in the best interest of the agricultural animal to be impounded on the land where it is located until the written permission of the owner or tenant of the land can be obtained.

If there is a direct and immediate threat to an agricultural animal, the humane investigator, law-enforcement officer or animal control officer may seize the animal, in which case the humane investigator, law-enforcement officer or animal control officer shall file within five business days on a form approved by the State Veterinarian a report on the condition of the animal at the time of the seizure, the disposition of the animal, and any other information required by the State Veterinarian.

Upon seizing or impounding an animal, the humane investigator, law-enforcement officer or animal control officer shall petition the general district court in the city or county wherein the animal is seized for a hearing. The hearing shall be not more than ten business days from the date of the seizure of the animal. The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care.

- B. The humane investigator, law-enforcement officer, or animal control officer shall cause to be served upon the person with a right of property in the animal or the custodian of the animal notice of the hearing. If such person or the custodian is known and residing within the jurisdiction wherein the animal is seized, written notice shall be given at least five days prior to the hearing of the time and place of the hearing. If such person or the custodian is known but residing out of the jurisdiction where such animal is seized, written notice by any method or service of process as is provided by the Code of Virginia, shall be given. If such person or the custodian is not known, the humane investigator, law-enforcement officer, or animal control officer shall cause to be published in a newspaper of general circulation in the jurisdiction wherein such animal is seized notice of the hearing at least one time prior to the hearing and shall further cause notice of the hearing to be posted at least five days prior to the hearing at the place provided for public notices at the city hall or courthouse wherein such hearing shall be held.
- C. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§19.2-260 et seq.) of Chapter 15 of Title 19.2. The Commonwealth shall be required to prove its case beyond a reasonable doubt.
- D. The humane investigator, law-enforcement officer, or animal control officer shall provide for such animal until the court has concluded the hearing. Any locality may, by ordinance, require the owner of any animal held pursuant to this subsection for more than thirty days to post bond in surety with the locality for the amount of the cost of boarding the animal for a period of time set in the ordinance, not to exceed nine months.

If the court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner. If the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care, then the court shall order that the animal be: (i) sold by a local governing body; (ii) humanely destroyed, or disposed of by sale or gift to a federal agency, state-supported institution, agency of the Commonwealth, agency of another

§3.1-796.115. Seizure and impoundment of animals; notice and hearing; disposition of animal; disposition of proceeds upon sale. (continued)

state, or a licensed federal dealer having its principal place of business located within the Commonwealth; or (iii) delivered to any local humane society or shelter, or to any person who is a resident of the county or city where the animal is seized or an adjacent county or city in the Commonwealth and who will pay the required license fee, if any, on such animal, or (iv) delivered to the person with a right of property in the animal as provided in subsection E.

- E. In no case shall the owner be allowed to purchase, adopt, or otherwise obtain the animal if the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care; however, the court shall direct that the animal be delivered to the person with the right of property in the animal, upon his request, if the court finds that the abandonment, cruel treatment, or deprivation of adequate care is not attributable to the actions or inactions of such person.
- F. The court shall order the owner of any animal determined to have been abandoned, cruelly treated, or deprived of adequate care to pay all reasonable expenses incurred in caring and providing for such animal from the time the animal is seized until such time that the animal is disposed of in accordance with the provisions of this section, to the provider of such care.
- G. The court may prohibit the possession or ownership of other companion animals by the owner of any companion animal found to have been abandoned, cruelly treated, or deprived of adequate care. In making a determination to prohibit the possession or ownership of companion animals, the court may take into consideration the owner's past record of convictions under this chapter or other laws prohibiting cruelty to animals or pertaining to the care and treatment of animals and the owner's mental and physical condition.
- H. If the court finds that an agricultural animal has been abandoned or cruelly treated, the court may prohibit the possession or ownership of any other agricultural animal by the owner of the agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions of violating §3.1-796.73 or §3.1-796.122. In making a determination to prohibit the possession or ownership of agricultural animals, the court may take into consideration the owner's mental and physical condition.
- I. Any person who is prohibited from owning or possessing animals pursuant to subsection G or H may petition the court to repeal the prohibition after two years have elapsed from the date of entry of the court's order. The court may, in its discretion, repeal the prohibition if the person can prove to the satisfaction of the court that the cause for the prohibition has ceased to exist.
- J. When a sale occurs, the proceeds shall first be applied to the costs of the sale then next to the unreimbursed expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, the proceeds remaining shall be paid into the Literary Fund of the state treasury.
- K. Nothing in this section shall be construed to prohibit the humane destruction of a critically injured or ill animal for humane purposes by the impounding humane investigator, law-enforcement officer, animal control officer, or licensed veterinarian.

§3.1-796.116. Dogs killing, injuring or chasing livestock or poultry.

It shall be the duty of any animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight, as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county, city or town wherein such dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be (i) killed immediately by the animal control officer or other officer designated by the court or (ii) removed to another state which does not border on the Commonwealth and prohibited from returning to the Commonwealth.

Any dog ordered removed from the Commonwealth which is later found in the Commonwealth shall be ordered by a court to be killed immediately.

§3.1-796.117. Dog killing other domestic animals other than livestock or poultry.

The governing body of any county, city or town, which has not adopted an ordinance pursuant to §3.1-796.93:1, may adopt an ordinance to provide for the confinement of dogs which kill other dogs or domestic animals other than livestock or poultry. The ordinance shall provide that any animal control officer who has reason to believe that any dog is killing other dogs or domestic animals other than livestock or poultry shall apply to a magistrate of the county, city or town wherein the dog may be located for the issuance of a warrant requiring the owner or custodian, if known, to appear before a general district court at a specified time. The animal control officer or owner shall confine the dog until such time as evidence shall be heard and a verdict rendered. If it appears from the evidence that the dog has habitually killed other dogs or domestic animals, the court may order the dog killed in accordance with the provisions of §3.1-796.119.

§3.1-796.118. Compensation for livestock and poultry killed by dogs.

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400 per animal or \$10 per fowl, provided that: (i) the claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal control officer or other officer shall have been notified of the incident within seventy-two hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

Local jurisdictions may by ordinance waive the requirements of (ii) or (iii) or both provided that the ordinance adopted requires that the animal control officer has conducted an investigation and that his investigation supports the claim. Upon payment under this section the local governing body shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

§3.1-796.119. Capturing, confining, and euthanizing companion animals by animal control officers; approval of drugs, etc., used.

It shall be the duty of the animal control officer or any other officer to capture and confine any companion animal of unknown ownership found running at large on which the license fee has not been paid. Following the expiration of the holding period prescribed in §3.1-796.96, the animal control officer or other officer may deliver such companion animal to any person in his jurisdiction who will pay the required license fee on such companion animal. Prior to disposition by euthanasia or otherwise, all the provisions of §3.1-796.96 shall have been complied with. For all companion animals not otherwise disposed of as provided for in this chapter, it shall be the duty of the animal control officer or any other officer to euthanize such companion animals. Any person, animal control officer, or other officer euthanizing a companion animal under this chapter shall cremate, bury, or sanitarily dispose of the same.

All drugs and drug administering equipment used by animal control officers or other officers to capture companion animals pursuant to this chapter shall have been approved by the State Veterinarian.

§3.1-796.120. Gift, sale, or delivery of animals from pounds or animal shelters.

- A. The governing body of any political subdivision shall dispose of impounded animals in accordance with the provisions of §3.1-796.96. Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the treasurer of the political subdivision, and no part of such proceeds shall accrue to any individual.
- B. The following shall confine and dispose of animals in its custody in accordance with the provisions of §3.1-796.96:
 - 1. Any humane investigator who has custody of any animal pursuant to his official duties;
 - 2. Any humane society; and
 - 3. Any animal shelter.

Animals that have been confined at a county or city pound as required by §3.1-796.96 prior to being delivered to a local humane society may be immediately placed for adoption, or humanely euthanized in accordance with methods approved by the State Veterinarian. Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the clerk or treasurer of the humane society for the expenses of the society and expenses incident to any agreement concerning the disposing of such animal. No part of the proceeds shall accrue to any individual except for the aforementioned purposes.

Humane societies, humane investigators and animal shelters shall keep accurate records of all animals handled. Records shall include a description of the animal including color, breed, sex, approximate weight, reason for bringing in, age, owner's

§3.1-796.120. Gift, sale, or delivery of animals from pounds or animal shelters. (continued)

or finder's name, address and telephone number, license number or other identifying tags or markings, as well as disposition of the animal. Humane societies and animal shelters shall submit a summary of such records to the State Veterinarian annually in a format prescribed by him.

- C. If this chapter or any laws governing the care or protection of animals are violated by an animal shelter, the operator of the shelter may be assessed a civil penalty by the Board in an amount that does not exceed \$1,000 per violation. Each day of the violation shall constitute a separate offense. In determining the amount of any civil penalty, the Board shall consider (i) the history of previous violations at the shelter; (ii) whether the violation has caused injury to, death or suffering of, an animal; (iii) the demonstrated good faith of the operator to achieve compliance after notification of the violation.
- All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.
- D. If this chapter or any laws governing animal pounds or shelters are violated, the Commissioner may bring an action to enjoin the violation or threatened violation of this chapter or the regulations pursuant thereto regarding animal pounds or shelters, in the circuit court where the animal pound or shelter is located. The Commissioner may request the Attorney General to bring such an action, when appropriate.

(The civil penalty provisions of this section shall be effective on January 1, 2003.)

§3.1-796.121. Disposal of dead companion animals.

The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury, or sanitarily dispose of the same. If, after notice, any owner fails to do so, the animal control officer or other officer shall bury or cremate the companion animal, and he may recover on behalf of the local jurisdiction from the owner his cost for this service.

Article 6. Cruelty to Animals.

§3.1-796.122. Cruelty to animals; penalty.

- A. Any person who (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (ii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; (iii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship solely for therapeutic purposes; (iv) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (v) carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or (vi) causes any of the above things, or being the owner of such animal permits such acts to be done by another, shall be guilty of a Class 1 misdemeanor.
- B. Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself or another; (ii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship solely for therapeutic purposes; (iii) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clause (i); or (iv) causes any of the actions described in clauses (i) and (iii) of this subsection, or being the owner of such animal permits such acts to be done by another; and has been within five years convicted of a violation of this subsection or subsection A, shall be guilty of a Class 6 felony if the current violation or any previous violation of this subsection or subsection A resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was the direct result of a violation of this subsection or subsection A.
- C. Any person who abandons or dumps any dog, cat or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another shall be guilty of a Class 3 misdemeanor.
- D. Nothing in this section shall be construed to prohibit the dehorning of cattle.
- E. For the purposes of this section and §§3.1-796.111, 3.1-796.113, 3.1-796.114, 3.1-796.115, and 3.1-796.125, the word animal shall be construed to include birds and fowl.

§3.1-796.122. Cruelty to animals; penalty. (continued)

- F. This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the Code of Virginia, including, but not limited to Title 29.1, or to farming activities as provided under this title or regulations promulgated thereto.
- G. In addition to the penalties provided in subsection A, the court may, in its discretion, require any person convicted of a violation of subsection A to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.
- H. It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection shall constitute a Class 1 misdemeanor. A second or subsequent violation of this subsection shall constitute a Class 6 felony.
- I. Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation or cruelly and unnecessarily beats, maims or mutilates any dog or cat that is a companion animal whether belonging to him or another and (ii) as a direct result causes the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, shall be guilty of a Class 6 felony. The provisions of this subsection shall not overrule §3.1-796.93:1 or §3.1-796.116.

§3.1-796.123. Soring horses; penalty.

For the purposes of this section, a horse shall be considered to be sored if, for the purpose of affecting its gait, a blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse, or if burns, cuts, or lacerations have been inflicted on the horse, or if a chemical agent, or tacks, nails, or wedges have been used on the horse, or if any other method or device has been used on the horse, including, but not limited to chains or boots, which may reasonably be expected currently (i) to result in physical pain to the horse when walking, trotting, or otherwise moving, or (ii) to cause extreme fear or distress to the horse.

It shall be unlawful for any person to deliver or receive into this Commonwealth for the purpose of showing or exhibiting, any horse which such person has reason to believe is suffering from the effects of being sored. It shall also be unlawful to show or exhibit or enter in any horse show or exhibition for the purpose of showing any horse which such person has reason to believe is sored. No one shall participate in or conduct any horse show or exhibition in which there is shown or exhibited a horse which such person has reason to believe is sored.

Any person who violates any provision of this section shall be guilty of a Class 3 misdemeanor.

§3.1-796.124. Organized dogfighting; penalty.

- A. No person shall knowingly do any of the following:
 - 1. Promote, engage in, or be employed in the fighting of dogs for amusement, sport or gain;
 - 2. Wager money or anything of value on the result of such fighting;
 - 3. Receive money or anything of value for the admission of another person to a place for dogfighting; or
 - 4. Permit any act described in subdivisions 1 through 3 of this subsection on any premises under his charge or control, or aid or abet any such act.
- B. Any animal control officer, as defined in §3.1-796.66, shall confiscate any dogs that have been, are, or are intended to be used in dogfighting and any equipment used in training such dogs or used in dogfighting.
- C. Any person convicted of violating this section may be prohibited by the court from possession or ownership of other companion animals.
- D. Any person who violates any provision of this section shall be guilty of a Class 6 felony.

§3.1-796.125. Fighting cocks or other animals; attendance at fighting; penalty.

Any person engaging in the fighting of cocks or other animals, except dogs, for money, prize or anything of value, or betting or wagering money or anything of value on the result of such fight, shall be guilty of a Class 3 misdemeanor. Attendance at the fighting of cocks, dogs or other animals where an admission fee is charged, directly or indirectly, shall also constitute a Class 3 misdemeanor.

§3.1-796.126. Shooting pigeons, etc., for amusement, and renting premises for such purposes; penalty.

Live pigeons or other birds or fowl shall not be kept or used for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship. It shall be a Class 4 misdemeanor to shoot at a bird kept or used as aforesaid, or to be a party to such shooting. Any person who lets any building, room, field or premises, or knowingly permits the use thereof for the purpose of such shooting shall be guilty of a Class 4 misdemeanor.

Nothing contained herein shall apply to the shooting of wild game.

Article 6.1. Mandatory Sterilization of Dogs and Cats Adopted from Releasing Agencies.

§3.1-796.126:1. Sterilization of adopted dogs and cats; enforcement; civil penalty.

- A. Every new owner of a dog or cat adopted from a releasing agency shall cause to be sterilized the dog or cat pursuant to the agreement required by subdivision 2 of subsection B of this section.
- B. A dog or cat shall not be released for adoption from a releasing agency unless:
 - 1. The animal has already been sterilized; or
 - 2. The individual adopting the animal signs an agreement to have the animal sterilized by a licensed veterinarian (i) within thirty days of the adoption, if the animal is sexually mature, or (ii) within thirty days after the animal reaches six months of age, if the animal is not sexually mature at the time of adoption.
- C. A releasing agency may extend for thirty days the date by which a dog or cat must be sterilized on presentation of a written report from a veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization. In cases involving extenuating circumstances, the veterinarian and the releasing agency may negotiate the terms of an extension of the date by which the animal must be sterilized.
- D. Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the written agreement of the veterinarian, the releasing agency, and the new owner.
- E. Upon the petition of an animal control officer, humane investigator, the State Veterinarian or a State Veterinarian's representative to the district court of the county or city where a violation of this article occurs, the court may order the new owner to take any steps necessary to comply with the requirements of this article. This remedy shall be exclusive of and in addition to any civil penalty which may be imposed under this article.
- F. Any person who violates subsection A or B of this section shall be subject to a civil penalty not to exceed fifty dollars.

§3.1-796.126:2. Sterilization agreement.

Any agreement used by a releasing agency pursuant to subsection B of §3.1-796.126:1 shall contain:

- 1. The date of the agreement;
- 2. The names, addresses, and signatures of the releasing agency and the new owner;
- 3. A description of the dog or cat to be adopted;
- 4. The date by which the dog or cat is required to be sterilized; and
- 5. A statement printed in conspicuous, bold print, that sterilization of the dog or cat is required under this article; that a person who violates this article is subject to a civil penalty; and that the new owner may be compelled to comply with the provisions of this article.

§3.1-796.126:3. Sterilization confirmation; civil penalty.

Each new owner who signs a sterilization agreement shall, within seven days of the sterilization, cause to be delivered or mailed to the releasing agency written confirmation signed by the veterinarian who performed the sterilization. The confirmation shall briefly describe the dog or cat; include the new owner's name and address; certify that the sterilization was performed; and specify the date of the procedure. Any person who violates this section shall be subject to a civil penalty not to exceed \$150.

§3.1-796.126:4. Notification concerning lost, stolen or dead dogs or cats; civil penalty.

If an adopted dog or cat is lost or stolen or dies before the animal is sterilized and before the date by which the dog or cat is required to be sterilized, the new owner shall, within seven days of the animal's disappearance or death, notify the releasing agency of the animal's disappearance or death. Any person who violates this section shall be subject to a civil penalty not to exceed twenty-five dollars.

§3.1-796.126:5. Exemptions.

This article shall not apply to:

1. An owner reclaiming his dog or cat from a releasing agency;
2. A releasing agency located in a county, city, or town that has adopted a more stringent mandatory sterilization ordinance; and
3. A local governing body which has disposed of an animal by sale or gift to a federal agency, state-supported institution, agency of the Commonwealth, agency of another state, or licensed federal dealer having its principal place of business located within the Commonwealth.

§3.1-796.126:6. Releasing agency; fees and deposits.

A local governing body or releasing agency may charge and collect from the new owner a fee or deposit before releasing a dog or cat for adoption to ensure sterilization.

§3.1-796.126:7. Civil penalties.

Any animal control officer, humane investigator, releasing agency, the State Veterinarian or State Veterinarian's representative shall be entitled to bring a civil action for any violation of this article that is subject to a civil penalty. Any civil penalty assessed pursuant to this article shall be paid into the treasury of the city or county in which such civil action is brought and used for the purpose of defraying the costs of local animal control, including efforts to promote sterilization of cats and dogs.

Article 6.2. Hybrid Canines.

§3.1-796.126:8. Definitions.

As used in this article:

"Adequate confinement" means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to § 3.1-796.93:1, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine, and (ii) provide a minimum of 100 square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

"Hybrid canine" means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, humane investigator, official of the Department of Health, or State Veterinarian's representative.

"Responsible ownership" means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

§3.1-796.126:9. Hybrid canine ordinance; penalty.

- A. Any county, city or town may, by ordinance, establish a permit system to ensure the adequate confinement and responsible ownership of hybrid canines. Such ordinance may include requirements pertaining to: (i) the term and expiration date of the permit, (ii) the number of hybrid canines that may be owned by a permittee, (iii) identification tags or tattooing of the animal, (iv) where the animal may be kept, (v) handling of the animal while not on the property of the owner, and (vi) information required to be provided when applying for a permit, such as the sex, color, height, vaccination records, length, or identifying marks of the hybrid canine. The ordinance shall not require that hybrid canines be disposed of by the owner unless the owner fails or refuses to obtain or renew any required permit or violates a provision of the ordinance or any other law pertaining to the responsible ownership of the hybrid canine. The locality may impose a permit fee to cover the cost of the permitting system.
- B. Violation of an ordinance enacted pursuant to this section shall be a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for a second or a subsequent violation. The ordinance may require a violator to surrender the hybrid canine for euthanasia in accordance with § 3.1-796.119.
- C. The provisions of this section shall not affect any ordinance adopted prior to the effective date of this section.

§3.1-796.126:10. Hybrid canines killing, injuring or chasing livestock.

It shall be the duty of any animal control officer or other officer who may find a hybrid canine in the act of killing or injuring livestock or poultry to kill such hybrid canine forthwith whether such hybrid canine bears a tag or not. Any person finding a hybrid canine committing any of the depredations mentioned in this section shall have the right to kill such hybrid canine on sight as shall any owner of livestock or his agent finding a hybrid canine chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any hybrid canine known to be a confirmed livestock or poultry killer, and any hybrid canine killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the hybrid canine to produce the hybrid canine.

Any animal control officer who has reason to believe that any hybrid canine is killing livestock or poultry shall be empowered to seize such hybrid canine solely for the purpose of examining such hybrid canine in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any hybrid canine is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county, city or town wherein such hybrid canine may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the hybrid canine is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the hybrid canine be (i) killed immediately by the animal control officer or other officer designated by the court or (ii) removed to another state which does not border on the Commonwealth and prohibited from returning to the Commonwealth.

Any hybrid canine ordered removed from the Commonwealth which is later found in the Commonwealth shall be ordered by a court to be killed immediately.

§3.1-796.126:11. Compensation for livestock and poultry killed by hybrid canines.

Any person who has any livestock or poultry killed or injured by any hybrid canine not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400 per animal or \$10 per fowl, provided that: (i) the claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a hybrid canine; (ii) the animal control officer or other officer shall have been notified of the incident within seventy-two hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the hybrid canine doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the hybrid canine upon which an execution has been returned unsatisfied.

Local jurisdictions may by ordinance waive the requirements of (ii) or (iii) or both provided that the ordinance adopted requires that the animal control officer has conducted an investigation and that his investigation supports the claim. Upon payment under this section the local governing body shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the hybrid canine and may enforce the same in an appropriate action at law.

Article 7. Miscellaneous Provisions.

§3.1-796.127. Dogs and cats deemed personal property; rights relating thereto.

All dogs and cats shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass. Owners, as defined in §3.1-796.66, may maintain any action for the killing of any such animals, or injury thereto, or unlawful detention or use thereof as in the case of other personal property. The owner of any dog or cat which is injured or killed contrary to the provisions of this chapter by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person.

An animal control officer or other officer finding a stolen dog or cat, or a dog or cat held or detained contrary to law, shall have authority to seize and hold such animal pending action before a general district court or other court. If no such action is instituted within seven days, the animal control officer or other officer shall deliver the dog or cat to its owner.

The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner, and the animal control officer may take such animal in charge and notify its legal owner to remove it. The legal owner of the

§3.1-796.127. Dogs and cats deemed personal property; rights relating thereto. (continued)

animal shall pay a reasonable charge as the local governing body by ordinance shall establish for the keep of such animal while in the possession of the animal control officer.

§3.1-796.128. Unlawful acts; penalties.

A. The following shall be unlawful acts and constitute Class 4 misdemeanors:

1. License application. - For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.
2. License tax. - For any dog or cat owner to fail to pay any license tax required by this chapter before February 1 for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog or cat.
3. Leash ordinance. - For any dog owner to allow a dog to run at large in violation of an ordinance passed pursuant to §3.1-796.95.
4. Rabies regulations. - For any person to fail to obey an ordinance passed pursuant to §§3.1-796.98 and 3.1-796.100.
5. Dead companion animals. - For any owner to fail to dispose of the body of his companion animals in accordance with §3.1-796.121.
6. Diseased dogs and cats. - For the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises if such disease is known to the owner.
7. Concealing a dog or cat. - For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.
8. Removing collar and tag. - For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.
9. Other violations. - Any other violation of this chapter for which a specific penalty is not provided.

B. It shall be a Class 1 misdemeanor for any person to:

1. Present a false claim or to receive any money on a false claim under the provisions of §3.1-796.118.
2. Impersonate a humane investigator.

§3.1-796.128:1. Intentional interference with a guide or leader dog.

- A. It is unlawful for a person to willfully and maliciously impede or interfere with the duties performed by a dog if the person knows or has reason to believe the dog is a guide or leader dog. Violation of this subsection is a Class 3 misdemeanor.
- B. It is unlawful for a person to willfully and maliciously assault or injure a dog if the person knows or has reason to believe the dog is a guide or leader dog. Violation of this subsection is a Class 2 misdemeanor.

Any person who commits an offense under this section shall be liable for actual damages to any person aggrieved thereby including damages due to injury to the guide or leader dog and, if necessary, compensation for the loss and replacement of the dog.

"Guide or leader dog" means a dog that (i) serves as a dog guide for a blind person as defined in §63.1-142 or for a person with a visual disability, (ii) serves as a listener for a deaf or hard-of-hearing person as defined in § 63.1-85.3:1 or (iii) provides support or assistance for a physically disabled or handicapped person.

§3.1-796.128:2. Selling garments containing dog or cat fur prohibited; penalty.

It is unlawful for any person to sell a garment containing the hide, fur, or pelt which he knows to be that of a domestic dog or cat. A violation of this section shall be punishable by a fine of not more than \$10,000.

§3.1-796.129. Jurisdiction of general district courts; right of appeal.

Unless otherwise provided, the provisions of this article may be enforced by any general district court in cities or counties wherein the offense is committed, or the offender or owner may be found. Every such offender shall have the right of appeal to the appropriate circuit court.